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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,588	08/17/2001	James T. Pantaja	2829-141	5221
6449	7590	05/03/2007	EXAMINER	
ROTHWELL, FIGG, ERNST & MANBECK, P.C. 1425 K STREET, N.W. SUITE 800 WASHINGTON, DC 20005			LASTRA, DANIEL	
		ART UNIT	PAPER NUMBER	
		3622		
		NOTIFICATION DATE		DELIVERY MODE
		05/03/2007		ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/932,588	PANTTAJA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	DANIEL LASTRA	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 09 February 2007.  
 2a) This action is FINAL.                  2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-8, 11-15 and 17-19 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-8, 11-15 and 17-19 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-8, 11-15 and 17-19 have been examined. Application 09/932,588 (Redemption System for Award Redemption) has a filing date 08/17/2001.

#### ***Response to Amendment***

2. In response to Non Final Rejection filed 11/02/2006, the Applicant filed an Amendment on 02/02/2007, which amended claims 1, 4, 8, 17, 19 and cancel claims 10, 16 and 21. Applicant's amendment overcame the Section 112 rejection.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7, 8, 10-13, 15-19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Ikeda (US 5,937,391).

As per claim 1, Ikeda teaches:

A method in a redemption system for determining which awards to redeem, the method comprising:

maintaining an award history database that includes award transaction information that describes awards earned by a consumer and, for each earned award, the type of award (see figure 8);

maintaining an encumbrance database that describes types of awards that cannot be redeemed at one or more suppliers (see figure 9). Applicant's specification defines that points is a type of award (see Applicant's specification page 8, lines 7-10) and in Ikeda, points awards earned in shop A cannot be redeemed in shop E (see col 8, lines 1-25; figure 9) and therefore, are encumbered.

receiving a request to redeem an amount of the earned awards at a chosen supplier (see figure 13);

determining allowed awards that can be redeemed with the chosen supplier (see figure 16; see column 11, lines 35-50; "points are redeem from the oldest one by priority);

determining encumbrance levels of the allowed awards based on the types of allowed awards and the data in the encumbrance database and determining which of the allowed awards, *having different encumbrance levels*, to redeem based on the encumbrance levels (see figure 16; see column 8, lines 1-25; col 11, lines 50-54). Applicant's specification page 13 teaches "that encumbrance of awards is measured in terms of restrictions on redeeming the awards at certain suppliers". Ikeda teaches that if a customer "a" requests to redeem 250 points when he or she buys goods at shop B (see col 11, lines 35-55; figure 8), the 200 points earned at shop B with an effective term of 09/04/01, the 100 points earned at shop B with an effective term of 09/04/08 and the 30 points earned at shop B with an effective term of 09/04/09 are not accepted for award redemption at shop E. Ikeda redeems said points by counting said points from the oldest one by priority in order to redeem a total of 250 points at shop B (see col 11,

lines 35-55). According to Applicant's specification (see page 11, line 15 – page 12, line 10, figures 3 and 4), when a customer wants to redeem points at supplier 400 (i.e. Ikeda Shop B) with points earned at business 4 (i.e. earned at Ikeda shop B) and business 2 (i.e. earned at Ikeda shop D), said points earned at business 4 (i.e. earned at Ikeda shop B) and said points earned at business 2 (i.e. Ikeda shop D) are not accepted at the same number of supplier (i.e. one), which is supplier 200 (i.e. Ikeda shop E). In Ikeda awards earned at shop E are the most encumbered as said awards have a point value of zero, which are not accepted for redemption in the other stores. Therefore, Ikeda teaches that purchase made at shop B and D are the least encumbered as said purchase are not accepted for award redemption at only one store (i.e. shop E) and purchase made in shop E are the most encumbered as said purchase are not accepted for award redemption in more than one store (i.e. shop A, B, C).

As per claim 2, Ikeda teaches:

The method of claim 1 wherein determining which of the allowed awards to redeem is further based on expiration dates of the allowed awards (see figure 9 "effective term"; column 6, lines 29-39).

As per claim 3, Ikeda teaches:

The method of claim 1 wherein determining which of the allowed awards to redeem is further based on dates on which the allowed awards were earned (see figure 8, "Purchase data"; see column 8, lines 1-25; "premium points"; see figure 9).

As per claims 4 and 12, Ikeda teaches:

The method of claim 1 wherein the type of award includes from which promotion the award was earned (see figure 8, "points"; see column 8, lines 1-25;; see figure 9; "special period points" shop F).

As per claims 5 and 13, Ikeda teaches:

The method of claim 1 wherein the type of award includes from which business the award was earned (see figure 8, "Name of Shop"; see column 8, lines 1-25; "premium points"; see figure 9; Shop F gives premium points in a special service date).

As per claims 7 and 15, Ikeda teaches:

The method of claim 1 wherein the type of award indicates a classification of the award (see column 8, lines 1-25; "premium points"; see figure 9; column 11, lines 35-50 "points are redeemed by priority from the oldest one").

As per claims 8 and 19, Ikeda teaches:

A method in a redemption system for determining which awards to redeem, the method comprising:

maintaining an award history database that includes award transaction information that describes awards earned by a consumer and including, for each earned award, an expiration date and the type of award (see figure 8);

maintaining an encumbrance database that describes restrictions on redeeming types of awards (see figures 8, 9). Applicant's specification defines that points is a type of award (see Applicant's specification page 8, lines 7-10) and in Ikeda, points awards earned in shop A cannot be redeemed in shop E (see col 8, lines 1-25; figure 9).

receiving a request to redeem an amount of the earned awards (see figure 13);

determining allowed awards that can be redeemed based on the expiration date and the types of awards (see figures 8 and 16; see column 8, lines 1-25; column 11, lines 35-50; points are redeemed by priority and effective term);

*determining encumbrance levels of the allowed awards based on the types of the allowed awards and the restrictions on redeeming the allowed awards as maintained in the encumbrance database.* The same rejection applied to claim 1 regarding this missing limitation is also applied to claim 8. and

determining which of the allowed awards to redeem based on the earning date (see column 6, lines 40-50; column 11, lines 35-50);

determining which of the allowed awards, *having different encumbrance levels*, to redeem based on the encumbrance levels (see figure 9). Applicant's specification page 13 teaches "that encumbrance of awards is measured in terms of restrictions on redeeming the awards at certain suppliers". Ikeda teaches that if a customer "a" requests to redeem 250 points when he or she buys goods at shop B (see col 11, lines 35-55; figure 8), the 200 points earned at shop B with an effective term of 09/04/01, the 100 points earned at shop B with an effective term of 09/04/08 and the 30 points earned at shop B with an effective term of 09/04/09 are not accepted for award redemption at shop E. Ikeda redeems said points by counting said points from the oldest one by priority in order to redeem a total of 250 points at shop B (see col 11, lines 35-55). According to Applicant's specification (see page 11, line 15 – page 12, line 10, figures 3 and 4), when a customer wants to redeem points at supplier 400 (i.e. Ikeda Shop B) with points earned at business 4 (i.e. earned at Ikeda shop B) and business 2 (i.e.

earned at Ikeda shop D), said points earned at business 4 (*i.e.* earned at Ikeda shop B) and said points earned at business 2 (*i.e.* Ikeda shop D) are not accepted at the same number of supplier (*i.e.* one), which is supplier 200 (*i.e.* Ikeda shop E). In Ikeda awards earned at shop E are the most encumbered as said awards have a point value of zero, which are not accepted for redemption in the other stores. Therefore, Ikeda teaches that purchase made at shop B and D are the least encumbered as said purchase are not accepted for award redemption at only one store (*i.e.* shop E) and purchase made in shop E are the most encumbered as said purchase are not accepted for award redemption in more than one store (*i.e.* shop A, B, C).

As per claim 11, Ikeda teaches:

The method of claim 8 wherein the encumbrance database describes types of awards that cannot be redeemed at one or more suppliers;

wherein receiving a request to redeem further comprises receiving an indication of a chosen supplier at which to redeem the awards; and wherein determining allowed awards is further based on the chosen supplier. The same rejection applied to claim 1 regarding this limitation is also applied to claim 11.

Claim 17 contains the same limitations as claims 2 and 3 therefore the same rejection is applied.

As per claim 18, Ikeda teaches:

The system of claim 17 wherein the first memory and the second memory are a common memory with storage areas for award transaction information and information

related to types of awards that cannot be redeemed at one or more suppliers. The same rejection applied to claim 1 regarding this limitation is also applied to claim 18.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda (US 5,937,391).

As per claims 6 and 14, Ikeda teaches:

The method of claim 1 wherein the type of award indicates black-out dates on which the award cannot be redeemed. However, Official Notice is taken that it is old and well known in the business art that Black-out dates is a well known practice set up by points issuers where certain special dates (i.e. thanksgiving, July 4, etc), are classified black-out dates for the purpose of not allowing customer to redeem said point issuers' products with points when said products would have a guaranteed purchaser that would purchase said products with money instead of points. For example, airlines do not allow their frequent flier customers to redeem tickets with points in certain dates (i.e. black-out dates) such as July 4, because said airlines know that due to the increase business volume caused by the special date, said airlines would have a guarantee purchaser,

which would purchase said tickets with money instead of points, therefore, increasing profits to said airlines. Therefore, airlines would classified certain dates as black-out dates for the purpose of increasing profits and taking advantage of the increase of business volume on those black-out dates. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that if shops in the Ikeda's system are able to change redemption ratio at special service dates, the Ikeda system would allow participating shops to indicate special black-out periods, where the point redemption ratio would be zero and points would not be accepted for redemption. For example, a special period such as a Christmas, a shop would change the point redemption ratio to zero (*i.e.* Black-out period) in order to make customer purchase said shop's products with money instead of points and therefore, take advantage of the increase business volume of said period.

#### ***Response to Arguments***

5. Applicant's arguments filed 02/02/2007 have been fully considered but they are not persuasive. The Applicant argues that Ikeda does not teach or suggest accepting awards from one source while rejecting awards from other source. The Examiner answers that contrary to Applicant's argument, Ikeda teaches that purchase made at shop B and D are the least encumbered as said purchase are not accepted for award redemption at only one store (*i.e.* shop E) and purchase made in shop E are the most encumbered as said purchase are not accepted for award redemption in more than one store (*i.e.* shop A, B, C).

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

Art Unit: 3622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Daniel Lastra  
April 23, 2007

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PRIMARY EXAMINER